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17 **UNITED STATES DISTRICT COURT**

18 **NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

19 CHASOM BROWN, WILLIAM BYATT,  
20 JEREMY DAVIS, CHRISTOPHER  
21 CASTILLO, and MONIQUE TRUJILLO,  
22 individually and on behalf of all similarly  
23 situated,

24 Plaintiffs,

25 v.

26 GOOGLE LLC,

27 Defendant.

28 Case No. 4:20-cv-03664-YGR-SVK

**GOOGLE SUBMISSION RE: IN CAMERA  
REVIEW AND RE-REVIEW PROPOSAL  
(RE: DKT. 522)**

Referral: Hon. Susan van Keulen, USMJ

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1 April 11, 2022

2 Submitted via ECF  
3 Magistrate Judge Susan van Keulen  
4 San Jose Courthouse  
5 Courtroom 6 - 4th Floor  
6 280 South 1st Street  
7 San Jose, CA 95113

8 Re: Google Submission re: *In Camera Privilege* Review and Re-Review Proposal  
9 *Brown v. Google LLC*, Case No. 4:20-cv-03664-YGR-SVK (N.D. Cal.)

10 Dear Magistrate Judge van Keulen:

11 Pursuant to your Honor's April 1, 2022 order (Dkt. 522), Google submits this statement,  
12 supporting declaration, and documents (submitted *in camera*) for the Court's consideration.

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## GOOGLE'S STATEMENT

**I. PLAINTIFFS' REQUEST FOR REMOVAL OF CERTAIN REDACTIONS FROM DOCUMENT SUBMITTED IN CAMERA (GOOG-CABR-05269357.R)**

4 Plaintiffs’ request for production of GOOG-CABR-05269357.R with certain redactions  
5 removed should be denied because the redacted content discusses and reflects legal advice of Google  
6 in-house counsel, and it is thus protected from disclosure by the attorney-client privilege. GOOG-  
7 CABR-05269357.R is a 94-page slide presentation of which only five pages contain redactions.  
8 Plaintiffs have challenged the redactions on only two pages (at -380.R-81.R), which correspond to  
9 a single slide and the associated presenter notes. Dkt. 516-3, at 3. The redacted information in this  
10 section contains and reflects legal guidance from Google in-house counsel regarding regulatory  
11 compliance and competition issues. Bindra Decl. ¶¶ 3-5. As such, it is protected from disclosure by  
12 the attorney-client privilege. *See Chrimar Sys. Inc v. Cisco Sys. Inc*, 2016 WL 1595785, at \*3 (N.D.  
13 Cal. Apr. 21, 2016) (“[A] document that is not communicated between an attorney and a client may  
still be privileged as long as ‘the document by its nature and contents memorializes and reflects  
legal advice rendered in a privileged conversation.’”) (citing *Baxter Healthcare Corp. v. Fresenius  
Med. Care Holding, Inc.*, 2009 WL 533124, at \*1 (N.D. Cal. Mar. 3, 2009)); Oct. 27, 2021 Hrg. Tr.  
9:13-19 (“[Y]ou often have non-lawyers transmitting legal advice, sharing legal advice, acting on  
legal advice that is reflected in a document, and as we know . . . from the Ninth Circuit, transmitting  
legal advice, sharing it, discussing it, even without the lawyer, is still within the coverage of  
attorney-client privilege.”). Plaintiffs’ request to compel production of this document with these two  
redactions removed should be denied.

## II. GOOGLE'S RE-REVIEW PROPOSAL

16 Google has identified a random sample of 500 documents from its privilege logs where (i)  
17 the document has been designated as privileged in the document’s text, but no attorney is identified  
18 on Google’s privilege log; and (ii) emails where an attorney is copied and does not respond. These  
19 categories align with Plaintiffs’ complaints from the parties’ joint brief. *See* Dkt. 516-3, at 2. Google  
has already begun re-reviewing these documents, and it expects to provide the results of this re-  
review and produce any documents that it determines were inadvertently mis-designated as  
privileged by April 19, 2022.

20 If the error rate for these 500 documents is over 10%, Google will re-review an additional  
21 random sample of 500 documents from the same two categories described above. If this additional  
re-review proves to be necessary, Google will complete it by April 29, 2022.

22 This proposal is reflected in Google's Proposed Order submitted concurrently with this  
23 statement.

1 Respectfully submitted,

2 QUINN EMANUEL URQUHART &  
3 SULLIVAN, LLP

4 /s/ Andrew H. Schapiro

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